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FISCAL IMPACT STATEMENT

LS 7080

BILL NUMBER: HB 1559

NOTE PREPARED: Jan 20, 2015

BILL AMENDED:

SUBJECT: Special Prosecutor's Office.

FIRST AUTHOR: Rep. Porter

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

STATE IMPACT	FY 2015	FY 2016	FY 2017
State Revenues			
State Expenditures		485,000	491,000
Net Increase (Decrease)		(485,000)	(491,000)

Summary of Legislation: *Office of Special Prosecutor-* The bill establishes the Office of the Special Prosecutor for Civilian and Police Affairs (SPO) to investigate cases in which a police officer is alleged to have killed or seriously injured an unarmed person. The bill requires the SPO to randomly select a special prosecutor to prosecute a case involving a police shooting of an unarmed person from a statewide special prosecuting attorney pool.

Police Conduct Review Commission- The bill establishes the Police Conduct Review Commission (PCRC) to investigate police violence against unarmed persons and, if warranted, to recommend appointment of a special prosecutor.

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Office of Special Prosecutor-* The establishment of the SPO is estimated to require additional expenditures of \$485,000 in FY 2016 and \$491,000 in FY 2017.

The above estimates include the cost of salaries, benefits, and furnishings (such as furniture and computers) for a staff of five people. The estimates assume that a deputy chief special prosecutor, administrative assistant, paralegal, and an investigator would accompany the chief special prosecutor in the staffing complement of the SPO.

The estimated cost also includes rental expenditures for office space. It was assumed that the SPO would be located in the downtown Indianapolis area within walking distance of the Indiana State House and Marion County's circuit and superior courts. Rental costs were estimated based on actual state agency rentals in downtown Indianapolis and the assumption that the SPO would require at least 4,000 square feet of office space.

The bill does not provide a source of funding for the establishment of the SPO. Therefore, the source of funds and resources required to establish the SPO will depend on additional legislative and/or administrative actions.

Indiana State Police- The Indiana State Police (ISP) would be required to assign a forensic and investigative team to assist the SPO in investigations of incidents when a law enforcement officer kills or causes serious bodily injury to another person. Depending on the frequency of incidents that may be investigated, the ISP would likely be able to provide the resources required by the bill.

Prosecutor Pool- The Governor would select a pool of ten county prosecuting or deputy prosecuting attorneys to be available for the chief special prosecuting attorney to appoint to try a case involving a qualifying police shooting. Expenses incurred in the prosecution of a case would be paid from state General Fund appropriations.

Police Conduct Review Commission- The 13-member PCRC would be established in order to review cases of police shootings. After reviewing a case, the PCRC would be able to recommend that the SPO appoint a prosecuting attorney from the pool to prosecute the case. PCRC members would receive per diem, mileage, and travel allowances at the same rate that legislators and lay members receive for their service on an interim study committee established by the Legislative Council.

Explanation of State Revenues:

Explanation of Local Expenditures: To the extent that state appropriations to pay for prosecutions do not cover mileage reimbursement and travel expenses of prosecutors assigned to prosecute a case, the county of their origin may be required to reimburse the prosecutor at the rates established by the county.

Explanation of Local Revenues:

State Agencies Affected: Office of the Governor, Indiana State Police.

Local Agencies Affected: County prosecutors.

Information Sources: Indiana state employee salary matrix, Department of Administration: *State of Indiana Leases for Real Estate*, October 2014, retrieved January 2015.

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